

Chapter VI – COMMERCIAL AND INDUSTRIAL SITE PLAN REVIEW

This replaces the existing Chapter X, COMMERCIAL AND INDUSTRIAL LARGE SCALE DEVELOPMENT and is s significant restructuring and reconceptualization of the LSD process. There is little comparison to the existing system either from a structural standpoint or specifics of content and should be reviewed on its own merits.

§6.1 – AUTHORITY

§6.2 – APPLICABILITY

§6.3 – SITE PLAN REVIEW THRESHOLDS

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§6.10 – PROJECT REVIEW CRITERIA

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§6.13 – PARKING, LOADING, AND CIRCULATION

§6.14 – LANDSCAPING AND BUFFERS

§6.1 – AUTHORITY

The Benton County Planning Board shall have the responsibility to protect the public interest by thoroughly examining each site plan for conformity with the provisions in this chapter.

§6.2 - APPLICABILITY

Site plan review shall be required for the following circumstances:

- a. Any new commercial/industrial or other land use as per the categories described in §54.3, Land Use.
- b. Any substantive external addition or modification to an existing commercial/industrial or other land use as per the categories described in §54.3, Land Use.
- c. Any conversion of a single-family residential or agricultural use to a commercial/industrial or other land as per the categories described in §54.3, Land Use.
- d. Any substantial change in a commercial/industrial or other use (as per §54.3) whereby the proposed use may involve additional customers or visitors to the site, additional deliveries or shipments to or from the site, or any other activity or characteristic that may create an additional nuisance or environmental impact to adjoining and nearby properties.

- e. The resumption of a non-conforming use or structure after discontinuance for one (1) year or more.

This section is a substantial clarification of the types of projects that must seek what was formerly referred to as a Large Scale Development or LSD and what we propose to refer to as site plan review. This insures that development that may not be strictly commercial (e.g. a Goodwill Industries Warehouse or a private school) be reviewed plus activities that were previously in a gray area such as minor additions, changes in use, or similar)

§6.3 - SITE PLAN REVIEW THRESHOLDS

The following thresholds have been established to determine what type of site plan review process a project must adhere to. Any threshold criteria not met requires the project to be reviewed as per the level of the unmet criteria:

A. Exemptions. Site Plan Review Exemptions are those uses or projects exempted from site plan review:

1. Single-family dwellings and accessory uses and structures thereof
2. Projects receiving an agricultural exemption
3. Subdivisions, tract or lot splits, lot line adjustments
4. Commercial uses in Planned Unit Developments (PUD)
5. In-home occupations as defined in Chapter III.
6. Modifications to the interior of an existing structure that does not change the use
7. Change in use of an existing structure, provided the change in use does not increase the number of required parking spaces
8. Normal maintenance and repair of existing improvements, facilities, and structures
9. Installation and replacement of underground utilities located in public right-of-way and approved utility easements or corridors.
10. Utility pump stations, utility boxes, and utility vaults.
11. De minimus addition of impervious surface (e.g. minor concrete work or sidewalk additions)
12. Removal of underground tanks when site is restored to the condition prior to removal
13. Removal of all buildings and structures on a site together with the discontinuance of use of the land and buildings
14. Temporary uses and structures which shall comply with the provisions of Chapter 7, §7.5.
15. Non- anchored structures of less than 120 sq. ft. or any other building or structure that does not require a building permit.

Comment [CR1]: new

This section provides a list of clearly exempted uses and activities from the site plan review process such as temporary uses and non-substantial changes in use.

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B. Level I - Minor Site Plan Review: shall apply to low impact development that meet any of the following criteria:

1. Change in use of an existing ~~structure which~~structure that increases the number of required off-street parking spaces.
2. Modifications to the number of dedicated parking spaces, increase in the amount of impervious surface, and increase in the height of structures on an existing site or approved site plan, provided such modifications do not exceed a ten (10%) percent increase over the existing conditions
3. Modifications to a parking lot layout, parking lot landscaping, or required buffer.
4. Modifications or expansions to the landscaping, exterior lighting, common area, or stormwater detention/retention areas, provided the modifications do not adversely affect the basic character and ~~quality effectiveness~~ of such facilities or impact adjacent properties.
5. Modifications to the total amount of gross floor area on an existing site which do not exceed a ten (10%) percent increase over the original or 1000 square feet of increase, whichever is less
- ~~6. Modification or expansion of existing stormwater facilities~~
- ~~7.6.~~ Modification to the conditions of approval of a minor site plan review decision.
- ~~8.7.~~ Installation of site infrastructure or facilities that are expected to have a minor impact such as rapid charging stations, air hoses or water hoses, and micro-wind facilities.

A minor site plan is appropriate for developments or uses of a minor or incidental impact which require a lower and less formal threshold of technical review. Any development or use that exceeds these thresholds or involves environmental impact nuisances shall apply for Level II or III site plan review as applicable.

This is a new category of site plan review that provides a much lower threshold of application for smaller uses or development that previously had to either comply with all of our application requirements or request waivers from the requirements. Staff feels that this change will significantly improve the experience that applicants with smaller projects will have with the County. In addition, since it is now proposed to be administrative, the timeframe for the applicant should be reduced.

C. Level II – Standard Site Plan Review: shall apply to moderate impact development that meet all of the following criteria:

1. Exceeding any criteria for Level I Site Plan Review
2. Lot area less than or equal to 50,000 square feet
3. New building area less than or equal to 20,000 square feet
4. Required parking area less than or equal to 100 spaces

A ~~medium impact standard~~ site plan is the most common form of site plan review requiring a formal submittal of an engineered site plan but in most cases do not require special analysis or study such as a traffic impact analysis or water quality study.

This category is essentially what we have now for Large Scale Development applications. It will require a full submittal of plans and other application materials.

D. Level III – Major/Regional Impact Commercial/Industrial Site Plan Review: shall apply to high impact development that meet all of the following criteria:

1. Lot area greater than 50,000 square feet
2. New building area greater than 20,000 square feet
3. Required parking area of over 100 spaces
4. The manufacture, storage, or distribution of hazardous chemicals or substances

A major commercial/industrial site plan may require additional analysis due to the scale, scope, or anticipated impact of the project or use. For example, this may include trip generation, water usage or wastewater generation, anticipated nuisances, and other criteria. Projects of regional impact are high impact projects whose influence may extend to a regional scope.

This is also a new category for larger projects that may need a higher threshold of review both in time and application criteria.

§6.4 – LAND USE COMPATIBILITY

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§6.4-5 - SITE PLAN REVIEW PROCEDURES

A. Administrative Review Process

1. **Pre Consultation:** Prior to submission, applicants are encouraged to pre-consult with Planning staff to review the documents/ drawings required for the submission and applicable design guidelines.
2. **File Application:** For site plans that may be reviewed and approved administratively (minor site plans [C1]), applicants shall provide two (2) copies of a complete application packet as per Table 1.2, Column 9 to the Benton County Planning Office. **The applicant shall notice the review by posting a sign on the property for the period under which the application is being reviewed.**
3. **Plan Review:** Once application packet has been determined complete and fee is paid, the Planning staff will undertake a technical review of the plan and other information. This may include a site visit and other research in order to conduct a thorough review of the proposal.
4. **Decision:** Staff shall, within fifteen (15) working days, make a decision regarding the application and shall provide the applicant with a Letter of Decision within this time frame. The staff may request an extension in writing from the applicant to this time frame in order to conduct additional research. If no extension is granted, the application shall be adjudicated with the information available. If no extension is granted and no decision is made after the ~~15-day~~**15-day** period expires, the plan shall be considered approved by default.

For minor site plans, we are proposing an administrative review process of no more than 30 days with no public hearing. In most cases, and engineered site plan will not be required.

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B. Planning Board Review Process

1. Pre Consultation and Development Review Committee

- a. Prior to submission, applicants are encouraged to pre-consult with Planning staff to review the documents/ drawings required for the submission and applicable design guidelines.
- b. All Standard and Major site plan projects shall be reviewed prior to application submittal to the Benton County Development Review Committee (DRC). Refer to the provisions of Chapter 4, § 4.12 for DRC procedures.

2. File Application: Two (2) copies of the hard copy site plan at 24" x 36" and an electronic copy (.pdf file) of the proposed application packet as per Table 1-2, Column 9 shall be submitted to the Benton County Planning Office twelve (12) days prior to the Planning Board meeting.

3. Fees: ~~Fees shall be submitted~~ Applicant shall submit fees according to the fee schedule provided in Table 2.1 in Chapter II.

4. Subdivision: When the tract is to be subdivided the developer shall further abide by the preliminary platting and final platting requirements as set forth in Chapter VI of this ~~ordinance~~ Ordinance.

~~5.~~ Notice: The Planning staff shall give notice for public hearing ~~as follows~~:

- ~~a. Notice to Adjacent and Proximal Properties: Notice shall be sent by the Planning Board staff to all adjacent property owners and other property owners within a 0.5 mile radius, based on current records of the Assessor's database, via certified mail with return receipt.~~
- ~~b. Notice Posted: The Planning staff shall post the notice of public hearing at the County Administration Building as well as on the County's website calendar at least 48 hours prior to the convening of the public hearing.~~
- ~~c. Sign: The Case Manager shall install a public hearing notice sign on each street frontage of the subject property. Each frontage of the subject property shall contain one notice sign per 300 feet of road frontage.~~

5. Courtesy Notice: The Planning staff shall also notify the media, the Quorum Court, The County Judge, and County Administrators of the agenda of the Planning Board meeting including both TAC and Public Hearing agendas ~~as provided in §4.10(B)(1) of this Ordinance~~.

Much of this is no different than what we do now but notice is substantially changed. We are proposing to take over mail notification from the applicant to insure consistent notice being given. We are also proposing to post an official notice in the Admin Bldg. and have the applicant post a sign in their yard along with the standard courtesy notice provided to the media.

6. **Planning Board Review:** Site plans shall be reviewed by the Planning Board at regular meetings including a technical review hearing and a separate public hearing. The action of the Board shall take place within sixty (60) days from and after the date the application is received by the Case Manager for the plan approval, unless the applicant agrees in writing to an extension of time. The Planning Board will vote to approve, to approve with conditions, or to reject the plan.
7. **Public Comment:** Public comments concerning a specified proposed development can be made at regularly scheduled Planning Board meeting (s).
8. **Plan Acceptance or Rejection:** The Planning Board will approve site plans only where there is full compliance with the provision of this Ordinance or where any deviation from the Ordinance is explicitly waived or modified by the Board after a formal request by the applicant. The developer shall receive written notice in the form of a Letter of Decision of the approval or denial of the application for an approved site plan. One (1) copy of the approved or rejected plan, with conditions noted thereon, shall be returned to the developer/owner address on the application, endorsed by signature and dated by the Planning Board. In the event of rejection, the Planning Board shall note all deficiencies/conditions by item on the plan and Letter of Decision. Site plans that have been denied by the Planning Board may, after six (6) months, reapply for approval as a new application. The revised plan, addressing the changes required by the Board, shall be reviewed as a new plan.
9. **Reasons for Rejection:** The Planning Board may deny the application because of noncompliance with items addressed in these regulations, incompatible development, protecting the public safety and health, or any violation of an existing state and/or county law, regulation, or ordinance.
10. **Appeals:** Please refer to Chapter II, §2.8.

§6.5-6 - MODIFICATION, VARIANCE, OR WAIVER

The Planning Board may modify, vary, or waive the requirements of this Ordinance as set forth in Chapter II, §2.3 of this Ordinance.

§6.6-7 – AMENDMENTS TO APPROVED SITE PLANS

Table 6.1 – Site Plan Amendment Thresholds

	Minor Site Plan	Standard Site Plan	Major Site Plan
Minor Amendments/ <u>Modification</u>	Administrative	Administrative	Public Hearing
Substantive Amendments/ <u>Modifications</u>	Administrative	Public Hearing	Public Hearing

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A. Minor Amendments: Include any modifications that:

1. Do not increase intensity of use
2. Do not increase floor area, building siting, or building orientation
3. Do not increase impervious surface or propose a change in location of impervious surface

4. Do not require changes to approved parking areas or other hardscape
5. Do not modify approved landscaping or buffers
6. Applicant shall submit an application for minor amendment to the Planning Division

B. Major or Substantive Amendments

1. Modifications that do not meet the criteria for a minor amendment.
2. Modifications that substantively change the character, scale, or use of the property or development.

Often applicants wish to modify their approved plans or building additions or make other changes that might impact their neighbors. Presently we do not have a set of provisions for site plan revisions or modifications other than a set fee of \$500.00 for "Revisions" but which does not refer to revisions for what specifically. This section establishes the various thresholds so that an applicant shows exactly what change will trigger a specific level of review.

§6.7-8 – CUMULATIVE IMPROVEMENTS

While a single building or site addition may not have significant impacts to surrounding properties, the cumulative effect of multiple additions over time may create a substantive or noticeable impact and create nuisances that one isolated addition might not have. Review thresholds for projects developing in phases or cumulatively shall be as follows:

- A. Developments or Uses Passing a Threshold:** Any project by nature of cumulative development passes a threshold level of review shall be required to be reviewed under the requirements of the higher threshold even though the development proposed triggering the threshold crossing may only be minor in scope.
- B. Phasing:** Projects proposing to phase the development shall be reviewed at a scale appropriate to the full proposed build-out of the development.

Sometimes a developer will make small, incremental changes and additions to avoid coming in for site plan review or to stay under a threshold. This section says that regardless of how the improvements are made—at once or over several additions—the cumulative impact will still require site plan review. This section was developed independently of external comps.

§6.89- ENFORCEMENT, VIOLATIONS, AND PENALTIES

The Planning Board Service Officer as designated shall act for the County Planning Board.

- A. Enforcement:** It shall be the duty of the designated County Official, the Planning Board Service Officer, to act for the County Planning Board and enforce this Ordinance and bring to the attention of the Prosecuting Attorney any violations or lack of compliance herewith.

- B. Application Constitutes Permission:** Filing an application constitutes one form of permission for the County Service Officer, members of the Planning Board, County Road Superintendent, Environmental Officer, and/or any other authorized agent acting for the County, to enter the development, if necessary, for survey and examination in order to enforce the compliance of these regulations.
- C. Inspection Fee:** In a situation where noncompliance with the provisions of this Ordinance is suspected and an inspection is necessary, the Public Service Officer may charge an inspection fee to the developer. Standardized fees for inspections shall be established by the County Planning Board.
- D. Penalties:** A violation of this Ordinance or failure to comply with the provisions herein specified shall be as set forth herein.

This section is substantially unchanged.

§6.9-10 - PROJECT PERFORMANCE REVIEW CRITERIA

This is a new section that pulls together all of the project review criteria into a single table and provides more detail and comprehensive categories of review. Any applicant may request a waiver for any criterion that is not applicable to their proposed development.

Commercial/Industrial site plan review undertakes a variety of review elements to ensure compatibility and protection of adjoining properties, provision of adequate services and utilities on-site, safe and efficient traffic circulation and linkages to existing infrastructure to achieve desired development pattern. The table below summarizes the various review element and performance measures for all proposed developments in the County.

Table 6.2 – Commercial/Industrial Site Plan Review Performance Review Criteria

Review Element	<u>Site Plan Performance Review</u> Criteria
General Criteria	
<u>Impervious Surface</u>	Impervious surface shall be limited to the lesser of no more than twenty-five (25) percent of lot area or 3,000,000 s.f.
<u>Public Services</u>	Applicant shall document the anticipated impact to local services such as schools, roads and streets, etc.
<u>Engineers Certificate (Building Safety)</u>	Include, as a separate attachment, a certificate by a registered professional engineer or licensed architect indicating that all structures “as built” conform to all applicable engineering requirements and specification.
Emergency Services	
<u>ES Compatibility</u>	Commercial and industrial development must <u>not</u> be <u>in</u> compatible with available Emergency Services in the proposed area of development.
	<ol style="list-style-type: none"> <u>Anticipated Impact.</u> Applicant shall document the anticipated impact to local emergency services. <u>Acceptance to Service.</u> Written confirmation from the appropriate Fire Chief is

Comment [CR2]: NEW CATEGORY

Comment [CR3]: NEW CATEGORY

Comment [CR4]: SAME

Comment [CR5]: SAME

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Review Element	Site Plan Performance Review Criteria
	<p>required indicating acceptance to service the development.</p> <p>2-3. Fire Hydrants. If fire hydrants are required by the appropriate Fire Official, written confirmation is required indicating proper placement, flow, and pressure throughout the development. Fire hydrants shall be installed in such a manner as to provide service throughout the entire development.</p> <p>3-4. Emergency Access Provision. Access roads, bridges, gates, etc., to all commercial and industrial developments must be adequate to allow appropriate emergency vehicle. Road improvements may be requested at the expense of the developer and subject to standards as set forth in County Ordinance 86-4 as amended.</p>
Fire and Safety Codes	All commercial and industrial development must meet or exceed the current Arkansas Fire Prevention and Safety Codes.
Hazard Chemical Compliance	<p>All proposed commercial and industrial developments must submit written confirmation of hazardous materials to be used and stored on-site. Documentation is to be forwarded to the County Office of Emergency Services. Review thresholds for hazardous materials are as follows:</p> <ol style="list-style-type: none"> 1. Household/Incidental - Minor 2. Commercial non-production - Standard 3. The manufacture, storage, or distribution of hazardous chemicals or substances - Major
Approved Street Names	All proposed street names shall be verified and preliminarily approved by the Benton County 911 office prior to final plat or plan approval by the County Planning office.
Impact to Services	Applicant shall document the anticipated impact to local emergency services.
Public Utilities, Easements, and Setbacks	
Public Utilities	Include as a separate attachment, from each utility to serve the development, a statement indicating adequate capacity and agreement to serve the proposed development.
Easements	Easements of adequate width according to engineering practices shall be provided for public use and utilities. Such easements shall have a minimum combined width of at least fifteen (15) feet along front, side, and rear lot lines. All easements shall be recorded with the County Recorder's Office.
Setbacks	All fabricated structures shall comply with minimum setback standards as defined in Chapter VI of this Ordinance.
Land Use Compatibility	
Generally	<u>1. See Section 6.4</u>
Development Pattern	<p>Patterns of proposed new development must enhance or be consistent and compatible with existing development and the environment. <u>Proposed new land uses should be basically compatible with existing land uses or be made so with reasonable mitigation measures.</u></p> <ol style="list-style-type: none"> 1. Clustering and Mixed Use. Commercial and industrial developments are encouraged to cluster to minimize incompatible land-use. Appropriate mixed-uses are encouraged in certain locations such as residential above storefront commercial in hamlet or village center clusters or similar configurations. <u>Commercial and industrial uses should locate where preexisting commercial and industrial uses and already been established, be</u>

Comment [CR6]: SAME

Comment [CR7]: CHANGES TO THRESHOLDS

Comment [CR8]: SAME

Comment [CR9]: SAME

Comment [CR10]: SECTION IS SAME BUT ENHANCED AND CLARIFIED TO PROVIDE PLANNERS WITH SOME GUIDELINES FOR ESTABLISHING COMPATIBILITY MORE ACCURATELY. THE PERFORMANCE STANDARDS ALSO HELP ESTABLISH.

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Comment [CR11]: Also existing but enhanced to provide greater protections to existing land uses.

Review Element	Site Plan Performance Review Criteria
	<p><u>located along major arterials or other roads or streets that have a commercial character, or have the services to support commercial uses.</u></p> <p>2. <u>Right to Farm</u>. Any industrial and commercial development(s) that could limit the viability of existing agricultural uses is/are discouraged.</p> <p>3. <u>Right to Operate</u>. Residential development that could limit the viability of existing commercial and industrial operations is discouraged.</p> <p>4. <u>Right to Residential Viability</u>. Conversely, commercial and industrial development shall not negatively impact existing residential development or such impacts must be mitigated as per the nuisance abatement provisions below.</p> <p>4.5. <u>Establishment of New Use in Area Previously Lacking</u>. The Board shall carefully review each proposal to establish a new use in an area where such land use does not previously exist for appropriateness and compatibility. The Board should assess whether such proposed use may in itself reduce the value and viability of existing land uses or as a newly established use facilitate the conversion of the immediate vicinity to higher intensity uses.</p>
Performance Measures and the Abatement of Potential Off-Site Nuisances	See Chapter 54, §5-74.8, PERFORMANCE STANDARDS for the performance measures necessary to ensure compatibility between land uses.
Parking, Loading, Access, and Circulation Requirements	
Access	<u>Site plan shall show how the property is accessed either via location on public road right-of-way or via pre-existing easement. Ingress-egress shall be via approved connection to a County road and be of minimum width to reasonably accommodate the type of traffic and circulation proposed for the site.</u>
Minimum Parking Space Requirements	All developments shall provide and maintain off-street parking of the minimum number of parking spaces and the loading areas as required in Table 26-56, except for the changes of occupancy, and reconstructed or redeveloped uses on sites where parking or loading areas have not been provided in the past.
Joint Parking Facilities	Developments may utilize joint parking or loading areas if those joint areas are of adequate size for the combined uses according to the standards in this Chapter, Table 26-5. Joint parking areas shall be within six-hundred (600) feet of all users served. Developments with differing peak activity periods may utilize joint parking areas with a consequent reduction in parking space requirements. Example: A church with one-hundred (100) sanctuary seats would be required to provide twenty-five parking spaces. A day care center with six (6) employees and serving thirty (30) children would be required to provide six (6) spaces. If the day care center, operating five (5) days a week, were housed within the church, operating mostly on Sundays, twenty-five (25) parking spaces could serve both uses.
Parking Area Design	Minimum dimensions for parking spaces in different configurations are found in Table 26-5. Parking spaces in commercial, industrial, institutional, and public parking lots should be clearly marked with painted lines or dividers. Parking areas accommodating over ten (10) vehicles should have continuous (as opposed to dead-end) circulation patterns. Parking area surfaces shall be a hard surface and mud free with adequate drainage; a minimum slope of one percent (1%) and a maximum slope of five percent (5%). Parking areas should have safe access to public streets and be adequately lighted for night use. Recreational vehicle or storage parking

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Comment [CR12]: ESSENTIALLY THE SAME

Review Element	Site Plan Performance Review Criteria
	areas should have security fencing and lighting.
Parking Area Buffers	Commercial, industrial, institutional, public, recreational vehicle, and storage parking areas should be buffered from adjoining residential uses by landscaping, walls, berms, or similar treatments (see Buffer Requirements).
Disabled/Handicapped Parking	Commercial, industrial, and public parking areas shall provide clearly marked and appropriately situated parking for the disabled/handicapped according to the current Americans with Disability Act (ADA) requirements.
Existing Parking	Expansion, redevelopment, or additions to existing sites shall not reduce parking or loading areas
Approved Street Names (As applicable)	All proposed street names shall be verified and approved by the Benton County 911 office prior to final plat or plan approval by the County Planning office.
Buffer Requirements	
Requirements	The Planning Board reserves the right to require a buffer to separate or screen one land use from another when it has been determined that a proposed use may likely result in a potential nuisance to one or more adjoining or nearby properties. To be effective, a buffer shall be so designed and constructed as to eliminate objectionable sights, sounds, or other nuisances emanating from one land use reaching to and reaching another.
Design	Figures 6-1 and 6-2 below provide the a recommended planting plan for a landscape buffer. The types of recommended buffers are listed in Table 3-6-7 with the recommended planting for each type. Table 4-6-9 is a list of the soil types found in Benton County along with a listing of the trees and shrubs that grow best in that soil type. To plant an effective landscape buffer, the type of buffer and plantings recommended for each type must be matched with the soils at the planting site to ensure plant survival.
Constructed Screening	The Planning Board may choose to require applicants to install or construct man-made screening in the form of a buffer fence, wall, berm or other mechanism appropriate to the location and activity. Such a mechanism may be required separately or in conjunction with natural screening.
Maintenance and Warranty	Responsibility for maintenance and upkeep of natural (vegetative) and constructed buffers and screens shall be the sole responsibility of the property owner of record. Natural buffers must be maintained in healthy condition throughout the duration of the incompatible use. Any required planting materials that expire shall be replaced by equivalent plants in good health.

Comment [CR13]: 1 AND 2 ESSENTIALLY THE SAME

Comment [CR14]: New provision

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Comment [CR15]: Enhanced

§6.10-11 - PERMITTED USES AND REVIEW-SPECIAL CRITERIA

This is a new section patterned after the old Appendix A list of possible uses. This list is a bit more comprehensive and seeks to establish specific mitigation or review criteria for certain types of uses that might be more likely to generate nuisances or be incompatible. Appendix A of old was removed.

An exhaustive list of permitted uses is provided in the table below along with special review criteria for certain uses that warrant additional design considerations ranging from setbacks, provision of adequate screening and buffering as well as licensing.

Table 6-3 – List of Uses and Use Specific Criteria

Use Group and Category	Special Criteria
Commercial Uses	
General offices and office buildings to be used for the administrative functions of companies, corporations, non-profit, social, or philanthropic organization or societies (7) .	
Professional offices, such as accountants, architects, brokers, engineers, dentists, insurance, lawyers, physicians, osteopaths, chiropractors, planners, real estate, etc. (4)	
Financial institutions including banks, savings and loan institutions, credit union offices (6, 7) .	
Printing, publishing, and engraving firms, including newspaper publishing (9)	
Hospitals, Medical and Emergency Clinics (5) .	
Child and -care adult care facilities , adult or child (5)	child -care Childcare and adult care facilities shall provide licensing and accreditation letters.
Hospitals or Veterinarian -Veterinary clinics for animals (7) .	Kennels, outdoor runs, and animal crematoria require sufficient screening, buffers, and noise reduction.
Alcoholic beverages generally (7, 9)	Uses which sell any product defined and/or described in the Rules and Regulations of the Alcoholic Beverage Control Division of the State of Arkansas Department of Finance and Administration shall adhere to said rules and regulations and shall provide to the Planning Board any permit or license required by the ABC as applicable.
Mortuaries, Funeral Homes (8)	Crematoria require 50 foot setbacks from all property lines plus sufficient buffers and screening from adjacent uses
Appliance and other repair shops; general service and repair establishments (6, 7)	
Radio and television studios, photographic studios (7)	
Automotive and truck service stations, and related development including: repair and service facilities, tire sales and service, paint and body shops, upholstery shops, muffler service and repair, car and truck washes, new and used car and truck sales, etc. (9)	
Speedways, racetracks, drag tracks and other motor sport facilities (9)	Requires minimum 200-foot 200-foot setbacks from property lines plus sufficient screening, buffers, and noise reduction.
Shopping centers, retail stores and shops, including the following: antique shop, appliance store, art school, gallery, museum, artist materials, supply studio, auto supply, baby shop, bakery goods, barber, beauty shop, book and stationery store, camera, candy, catering establishment, cleaning, pressing, laundry collection agency, clothing, gift shop, dry goods, dairy products or ice cream store, delicatessen, department store, florist, furniture store, grocery store or supermarket, hardware store, jewelry or notion, lodge hall, meat market, medical facility, messenger or telegraph service, musical instrument sales, newspaper	

Use Group and Category	Special Criteria
or magazine sales, optical sales and service, package liquor store, paint and decorating shop, pharmacy, radio and television sales and service, restaurant, self-service laundry or dry cleaning, sewing machine sales, sporting goods sales, shoe store or repair shop, tailor shop, toy store, variety store (6, 7, 9)-	
Auditorium, theater, stadia and open-air theaters (8)-	Outdoor venues require minimum 200 foot setbacks from property lines plus sufficient screening, buffers, and noise reduction.
Amusement and recreation including bowling alleys, amusement arcades, mini-golf, and go-cart tracks (7, 9)-	Outdoor venues require minimum 100 foot setbacks from property lines plus sufficient screening, buffers, and noise reduction.
Taverns, bars, night clubs, adult entertainment and other membership clubs (7, 9)-	<ol style="list-style-type: none"> 1. Facilities serving alcoholic beverages shall meet the requirements of the Alcoholic Beverage Control Laws and Rules and Regulations of the State of Arkansas. 2. Facilities using an amplified sound system shall not exceed reasonable noise levels external to the building and may be restricted regarding the time of day that such amplified noise may be permitted. 3. Adult entertainment uses shall not be located within 1500 feet of a school, church/house of worship, child day care facility, or residential subdivision.
Restaurants, drive through establishments, etc. (7, 8)	
Hotels, motels, or motor hotels (7)-	
Airports and air transportation (8, 9, 10)	Require minimum 300 foot setbacks from property lines plus sufficient screening, buffers, and noise reduction mitigation measures.
Warehousing and storage, cold-storage units, food storage lockers, mini-storage units, transportation and associated uses (8, 9)	
Dyeing and cleaning works; farm-Farm machinery sales and services, including storage yard, general service and repair establishments; parking lots operated as a business; plumbing and heating shops; trailer and mobile home sales area; (9) appliance repair shops; radio and television studios; photographic studios.	
Special events facilities (8)	<p>Review based on scale. Larger facilities will have a greater impact and may be reviewed as a Level III site plan.</p> <p>Require-At minimum require limits on hours of operation, potential noise reduction, provision of overflow parking, ingress-egress, and location criteria</p>
Retail sale of alcoholic liquor (7, 9)	All retail establishments selling must adhere to the Arkansas Rules and Regulations of the Department of Finance and Administration, Alcoholic Beverage Control (ABC) Division, as may be amended from time to time. Applicants proposing to develop or

Use Group and Category	Special Criteria
	<p>otherwise establish a liquor retail facility shall provide the Planning Board with their license approved by ABC.</p> <p>In addition to the ABC requirements, liquor retail facilities shall maintain a minimum 1000 distance from, child care facilities, hospitals, residential subdivisions, or libraries.</p> <p>Measurement is taken from the property line of the above noted uses to the property line of the premises to be licensed. Streets, alleys and public ways are included in the measurements mentioned above.</p>
Livestock auctions, feedlots and holding pens, and compost facilities used for commercial sales (7) ;	Require minimum 200 foot setbacks from property lines plus sufficient screening, buffers, and noise reduction.
Industrial Uses	
Chemicals, Petroleum, Coal, and Allied Products: Manufacturing, processing, or warehousing of: cosmetics and toiletries, ice (including dry ice), ink, insecticides, fungicides, disinfectants, and related industrial and household chemical compounds, pharmaceutical, products, soap, washing or cleaning powder or soda, thermo-plastics, adhesives, bleaching products, bluing, calcimine, candle, dyestuff, essential oils, exterminating agents and poisons, soap products, acids and derivatives, acetylene, alcohol (industrial), ammonia, caustic soda, cellulose and cellulose chlorine, coke oven products (including fuel gas), creosote, coal, tar, asphalt, wood and bones, fertilizer (organic or non-organic), fish oils and meal, fuel briquettes, glue, hydrogen and oxygen, nylon, petroleum, gasoline, lubricating oils, plastic materials and synthetic resins, potash, proxyin, rayon; rendering and storage of dead animals, storage and transfer of offal, garbage, or waste product (solid waste transfer stations), resource recovery facilities, dyeing and cleaning works- <u>(11)</u>	Submit a hazardous materials handling and disposal plan that includes the types and amounts of materials to be used, detailed narrative of how each material will be used, what precautions will be taken, and how the used materials will be disposed of. Applicant shall note on the plan the area(s) within the building(s) and site where materials will be used and/or stored.
Food and Beverage: Bakery products, wholesale (manufacturing permitted), beverage, blending, bottling, candy, chewing gum, chocolate and cocoa products, coffee/tea/spices processing and packaging, condensed and evaporated milk processing, creamery and dairy operations, dairy products, flour/feed/grain packaging and storage, fruit and vegetable processing (including canning, preserving, drying, and freezing), gelatin products, glucose and dextrin, meat products, poultry packaging and slaughtering, yeast, breweries, fish/oysters and other seafood processing, sugar refining, cider and vinegar, distilleries (alcoholic) breweries and alcohol spirits (non-industrial), fat rendering, slaughtering of animals, starch manufacturing (8, 11) ;	Facilities that engage in noxious or foul activities that could be a nuisance such as animal slaughtering or fat rendering should be established in an industrial location and shall not be located within 500 feet of any residential use.
Metals and Metal Products: Manufacturing, warehousing, storage, and distribution of agricultural or farm implements,	Submit a hazardous materials handling and disposal plan that includes the types and amounts of

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Use Group and Category	Special Criteria
aluminum, bicycles, boats, bolts, nuts, screws, washers and rivets, culvert, firearms, foundry products, heating/ventilation /cooking /refrigeration supplies and appliances, iron fabrication, machinery, nails /brads /tacks /spikes /staples, needles and pins, plating, plumbing supplies, scale and vault, sheet metal products, silverware and plated ware, stove and range, tinsmith shop, tool/die/gauge and machine shops, tools and hardware products, vitreous enameled products, boiler manufacture, galvanizing and plating (hot dip), lead oxide, locomotive and railroad car building, motor testing, ore dumps and elevators, structural iron and steel fabrication, wire rope and cable, aircraft and aircraft parts, automobile, truck trailer, mobile home and bicycle assembly, blast furnace, blooming mill, metal and metal ores, reduction, refining, smelting and alloying, scrape metal reduction, steel works and rolling mill (8, 11)-	materials to be used, detailed narrative of how each material will be used, what precautions will be taken, and how the used materials will be disposed of. Applicant shall note on the plan the area(s) within the building(s) and site where materials will be used and/or stored.
Textiles, Fibers, and Bedding: Bedding (mattress, pillow, and quilt), carpet, rug, and mat, hat, bodies of fur and wool felt manufacture, hosiery mill, knitting, weaving, printing, finishing of textiles and fibers into fabric goods, rubber and synthetic treated fabrics, yarn thread and cordage, bleachery cotton wadding or linter, hair and felt products, jute, hemp and sisal products, linoleum and other hard surface floor covering, oilcloth, oil-treated products, and artificial leather, shoddy, wool (pulling or scouring) (8, 11)-	Submit a hazardous materials handling and disposal plan that includes the types and amounts of materials to be used, detailed narrative of how each material will be used, what precautions will be taken, and how the used materials will be disposed of. Applicant shall note on the plan the area(s) within the building(s) and site where materials will be used and/or stored.
Wood and Paper Products: Basket and hamper (wood, reed, rattan, etc.), box and crate, cooperage works, furniture, pencils, planning and millwork, pulp goods (pressed or molded including paper mache products), shipping container (corrugated boards, fiber, or wire bound), trailer, carriage and wagon, wood products, excelsior, paper and paperboard, sawmill, wall board, match manufacture, wood preserving treatment, wood pulp and fiber, reduction and processing (8, 11)-	Submit a hazardous materials handling and disposal plan that includes the types and amounts of materials to be used, detailed narrative of how each material will be used, what precautions will be taken, and how the used materials will be disposed of. Applicant shall note on the plan the area(s) within the building(s) and site where materials will be used and/or stored.
Extraction Uses (21): Surface mining operations including: strip and open-cut mining, and quarrying (11)-	
Junkyard Uses: Junk, scrap, or salvage yards, including junkyards, automotive salvage yards, and automotive graveyards (11)-	
Other Unclassified Uses: Manufacturing, storage, sales, and distribution of construction materials (cement, lime in bags or containers, sand gravel, shell, lumber and the like), bus garage and repair shop, button, carbon paper and inked ribbons, tobacco products, cleaning and dyeing of garments, hats and rugs, coal and coke, fir finishing, industrial vocational training school (including internal combustion engines), laboratories, research, experimental including combustion-type motor testing, laundries (commercial only), wholesale market, motion picture production, printing, publishing, and engraving, produce, railroad switching, tire treading and vulcanizing, truck or transfer terminal, other wholesale houses and distributors,	Submit a hazardous materials handling and disposal plan that includes the types and amounts of materials to be used, detailed narrative of how each material will be used, what precautions will be taken, and how the used materials will be disposed of. Applicant shall note on the plan the area(s) within the building(s) and site where materials will be used and/or stored.

Use Group and Category	Special Criteria
oils/vegetables/animal processing and storage, paint/lacquer/shellac and varnish, roofing materials, building paper and felt, bag cleaning, cotton seed, oil refining, leather goods, tanning operations, hair/hides/raw fur/curing, dressing, dyeing and storage, rubber processing, rubber tire and tube, batteries (8, 11)-	
Clay, Stone, and Glass Products: Abrasive wheels, stones, paper, cloth, and related products, brick, firebrick, and clay products, concrete products, central mixing and proportioning plants, glass products, monument and architectural stone, pottery and porcelain products, refractories, sand-lime products, stone products, wall board and plaster, building, installation and composition flooring (8, 11)-	Submit a hazardous materials handling and disposal plan that includes the types and amounts of materials to be used, detailed narrative of how each material will be used, what precautions will be taken, and how the used materials will be disposed of. Applicant shall note on the plan the area(s) within the building(s) and site where materials will be used and/or stored.
Waste management and remediation services (56211)	
Other Typical Uses Subject to Site Plan Review	
Apartments, townhouses, condominiums (3)-	
Mobile home parks, trailer parks, RV parks, and campgrounds (2)-	
Utility uses including power generation, natural gas distribution and storage, water supply and irrigation systems, sewage treatment facilities, steam and air conditioning supply, and telecommunications (10)-	
The non-production or non-process use of commercial amounts of hazardous chemicals or substances (?)	

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§6.11-12 - PROJECT REVIEW CRITERIA SUMMARY

This section is just a summary of the application standards for each type of project.

Please refer to Table 6-4 below to determine what applications submittal information will be required for each development threshold (Minor, Standard, or Major)

Table 6-4 – Project Review Criteria

Criteria	Minor Level I	Standard Level II	Major/Regional Level III
Application	Required	Required	Required
Site Plan	Required. Must meet the requirements of an informal site plan as depicted in Column 9 in Table 1-2.	Required. Must meet the requirements of a standard site plan as depicted in Column 10 in Table 1-2.	Required. Must meet the requirements of a substantial site plan as depicted in Column 11 in Table 1-2.

Cover Letter	Applicant shall submit a separate cover letter describing the specifics of the proposed development or may include a summary description of the use on the application form.	Required. Applicant must submit a separate cover letter describing the specifics of the proposed development.	Required. Applicant must submit a separate cover letter describing the specifics of the proposed development.
Fee	\$100.00	\$250.00	\$500.00
Supplemental Materials	Based on proposed use. Determined by administrative assessment (see Table 1-2, Column 9).	Based on proposed use. See list of criteria by use in Table 10-4 and further determined by administrative and Board recommendations (see Table 1-2, Column 10).	Based on proposed use. See list of criteria by use in Table 10-4 and further determined by administrative and Board recommendations (see Table 1-2, Column 11).
Review Authority	Administrative	Planning Board	Planning Board

\$6.12-13 - Parking, Loading, & Circulation Requirements

This section is largely unchanged from the current parking requirements. We have proposed some changes and additions to specific parking requirements for certain uses to address what we considered deficiencies or oversights.

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All offsite parking facilities dimensions and design considerations shall comply with Table 6-5 below and Figure 1-Off Street Parking Lay outs. The minimum number of off-street parking spaces to be provided shall be determined in accordance with Table 6.5 below. Where parking spaces are based on the square footage of a building, the applicant shall provide a calculation based on gross floor area. The type and number of ADA-compliant parking spaces shall be subject to applicable state law.

Table 6.5 Off-Street Parking Dimensions

Criteria	45 Degrees	60 Degrees	90 Degrees	Parallel
Width of Parking Space	12'	10'	9'	9'
Length of Parking Space	19'	19'	19'	19'
Width of Driveway Aisle	13'	17'6"	25'	12'
Width of Access Driveway	17'	14'	14'	14'

Figure 6.1 – Off Street Parking Layouts

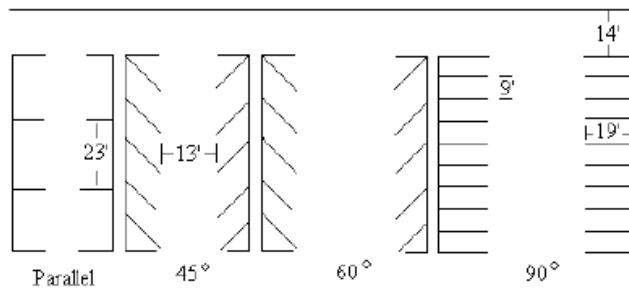


Table 6.6 – On-Site Parking Performance Standards

Proposed Land Use	Parking Requirements
RESIDENTIAL	
Duplex or two-family residence	1.5 spaces per unit or 3 spaces per duplex
Multi-family residence	2 spaces for the first two units and 1.5 spaces per unit for subsequent units
Congregate elderly housing	0.6 spaces per unit
Hotel or inn	1 space per guest bedroom
Bed and Breakfast	2 spaces plus 1 space per guest bedroom
INSTITUTIONAL	
Nursing or rest homes, similar resident care Facilities	1 space per 2 employees + 1 space per physician + 1 space per 2 beds or rooms
Day care centers	1 space for every 2 employees plus 1 additional space for every 10 children served.
Schools (public)	1 spaces per teacher/staff + 1 space for every 10 secondary students; Note that facility must provide adequate off-street bus loading and unloading areas.
Schools (private)	1 spaces per teacher/staff + 1 space for every 2 students
Libraries and museums	1 space per 2 employees + 3 spaces per 1000 s.f. of GFA
Hospital or clinic	1 space per 2 employees + 1 space per doctor + 1 space per 2 beds
Church or other house of worship	Greater of 1 per 5 seats or 1.75 per 1000 s.f. of GFA
COMMERCIAL	
Shopping centers	5 spaces per 1000 s.f. of GFA
Sport arenas, theaters, auditoriums, churches	1 space for every 4 seats and/or 30 sq. ft. of assembly area without fixed seating.
Motor vehicle repair	1 space per employee plus 3 spaces per bay
Restaurants, bars, entertainment, clubs, and similar uses; bowling alleys	1 space for every 5 fixed seats and/or 100 ft. of floor area used for assembly dancing recreations, etc.

	whichever is greater + 1 space for every 2 employees on the largest shift + 5 spaces per lane for bowling alleys (Note that no use in this category shall provide less than 10 spaces).
Restaurant, or fast food	5.5 spaces per 1000 s.f. GFA or 1 space per 4 seats whichever is greater
Drive through facilities, such as, financial institutions with drive up teller or ATM, pharmacy	Vehicle stacking requirement of 4 vehicles per window/kiosk
Drive through facilities, such as, restaurants, fast food and or coffee shops with no indoor seating	Vehicle stacking requirement of 6 vehicle per window
Banks, similar financial institutions; real estate, insurance; business and professional offices, auto sales and service centers	3 spaces for every 1000 sq. ft. of GFA
Medical offices	1 space per 2 employees + 3 spaces for every 1000 sq. ft. of GFA
Major appliance, furniture stores, general merchandise "discount" stores	2.5 spaces for every 1000 sq. ft.; adequate loading areas
Other commercial or retail uses	5 spaces for every 1000 sq. ft.; Note that adequate loading areas shall be provided
Outdoor sales areas (boats, autos, RV's implements, mobile homes)	1 space for every 1000 sq. ft. up to 10 spaces; an additional space for each additional 5000 sq. ft.; Site must provide adequate loading areas.
Boat sales and service	5.5 spaces per 1000 sq. ft. GFA plus 1 space per 1 employee on largest shift.
Marine repair services	1 space per employee plus 3 per bay or work area
Indoor rack boat storage	1 space per employee plus 2 for visitors, maintenance, or security
Retail gasoline stations	Vehicle stacking requirement of 2 vehicle per gasoline pump
Wholesale gasoline stations	Vehicle stacking requirement of 4 vehicle per gasoline pump
INDUSTRIAL	
Industrial uses	1 space for every employee/shift + 1 space for each company owned vehicle + Designated visitor parking spaces + (or) 2 spaces per 1000 s.f. of GFA, whichever is greater. Site must have adequate loading areas and holding areas for vehicles loading or unloading.
OTHER	
Mixed uses	Parking requirements shall be the sum total of the requirements of the individual uses, but shared reduced parking requirements may be allowed between uses with a shared parking plan. <u>Example:</u> A building containing 2000 s.f. of retail uses on ground floor ($2000/200=10$) + 2000 s.f. of office uses on 2 nd floor ($2000/.333=6$) + 2 units of residential use on 3 rd floor (2 spaces each=4) would require 20 parking spaces unless reduced through a shared parking plan.
Note 1: The square footage used to determine parking space requirements will be the gross square footage devoted to a user's principal function. Service and support spaces, like restrooms, boiler rooms, and closets will not be included.	

Note 2: Stacking space shall have the same dimensional requirement as a parking space. Further, stacking lanes shall not interfere with parking spaces, parking aisles, internal site circulation, or points of ingress and egress and shall not stack into any Public Road.

§6.1314 – LANDSCAPING GUIDELINES AND BUFFER REQUIREMENTS AND BUFFERS

This section is essentially the same as the current Appendix B in the regs. We have added some minor specifics to help applicants choose appropriate plant materials.

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A. Landscaping Guidelines

Benton County has developed a comprehensive set of landscaping guidelines for commercial and other non-residential development that is based on a native plan regime [\(see Appendix A for the comprehensive set of guidelines\)](#). These guidelines have been established as a service to developers and property owners so that selected plant materials will be optimally suited to the soils and climate of northwest Arkansas. This should minimize cost of acquisition, installation, and maintenance and reduce the need for supplemental watering and the cost associated with water use for landscaping. Please refer to Appendix C for the complete Benton County Landscaping Guidelines.

B. Buffering and Screening

Buffering and screening requirements may include any combination of the following: landscape width, plantings, fencing and berms. To achieve the desired buffering and screening the following minimum acceptable size for plant materials is suggested:

- Deciduous Trees – Two (2") inch caliper
- Coniferous Trees – Five (5') feet in height
- Shrubs – Two (2') feet in height

Shrubs required for screening must have a minimum height of five (5") inches. All trees should be wire basket, B & B, or container grown. Deciduous trees planted in a row will be centered at ten (10') feet maximum. Smaller flowering trees and ornamentals will be centered at four (4') feet maximum. Coniferous trees will be centered at four (4') feet to five (5') feet depending on desired effect.

All shrubs are to be planted in continuous planting beds. Planting beds will be mulched to a minimum depth of three (3") inches and will be maintained weed free. Plantings consisting of trees and shrubs will be a minimum of 50% coniferous plantings.

All landscaped berms shall have a maximum slope of 3:1 for maintenance and landscape purposes.

Table 6.7 – Types of Plants for Landscape Buffers

Shrubs Row 1	Medium Trees Row 2	Tall Trees Row 3
Autumn Olive	Black Alder	Pin Oak
Black Haw	Hawthorn	North Red Oak

Deciduous Holly	Jack Pine	Shingle Oak
Flower Quince	Persimmon	Soft Maple
Forsythia	Red Cedar	White Pine
High Cranberry	Scotch Pine	Green Ash
Lilac	Serviceberry	Loblolly Pine
Mock Orange	Norway Spruce	Shortleaf
Redbud		
Pyracantha		
Privet		
Nanking Cherry		
Tatarian Honeysuckle		

Figure 6.2 – Typical Row Plantings for Landscape Buffers

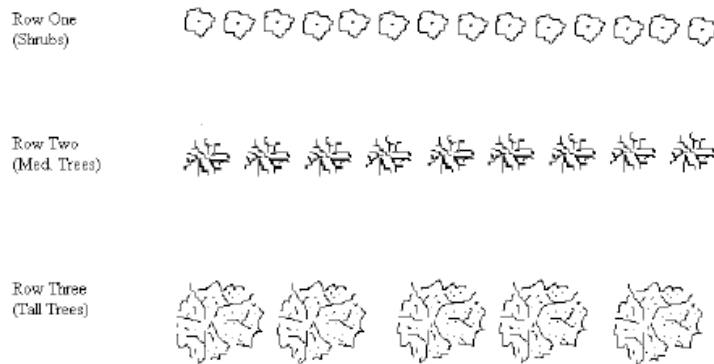


Table 6.8 – Landscape Buffer Configurations

Location/Application	Recommended Buffer Configuration (See Figure 10-1)
Parking lots and adjoining residences	Rows 1-2-1
Parking lots and public ROW	Row 1
Commercial/industrial and adjoining residence/public open space	Row 1-2-3
Residence and major streets or highways	Rows 1-2-1
Industrial and public roads	Rows 1-2-1
Higher density and lower density residence	Rows 1-2-1

Table 6.9 – Suggested Plants by Soil Type

Soil Name	Shrubs Row 1	Medium Trees Row 2	Tall Trees Row 3
Bardley	Silky dogwood	Red Cedar	Soft Maple

Soil Name	Shrubs Row 1	Medium Trees Row 2	Tall Trees Row 3
	Honeysuckle (Tatarian)	American Plum	Green Ash Pin Oak Silver maple White Pine
Bolivar, Doniphan, Gateway, Ocie	Honeysuckle (Amur) Lilac Fragrant Sumac	Autumn Olive Austrian Pine Hackberry Russian Olive	Honey Locust Bur Oak Green Ash
Captina, Needleeye	Honeysuckle (Amur) Maple Lilac	Red Cedar Austrian Pine Hackberry Russian Olive	Honey Locust
Cedargap, Crelton, Secash	Maple Honeysuckle Lilac	Red Cedar Austrian Pine Hackberry	White Pine Green Ash Pin Oak Cottonwood
Clarksville, Goss	Honeysuckle (Tatarian) Lilac Fragrant Sumac	Red Cedar Crabapple Jack Pine Austrian Pine	Green Ash Bur Oak Honey Locust
Huntington	Honeysuckle (Amur) Amur Maple	Red Cedar Austrian Pine	Cottonwood Pin Oak Green Ash Honey Locust
Peridge	Lilac Honeysuckle (Amur) Amur maple	Russian Olive Hackberry Red Cedar	Norway Spruce Honey Locust White Pine Pin Oak Green Ash
Tonti	Honeysuckle (Amur) Crabapple Amur Maple	Russian Olive Austrian Pine Red Cedar Hackberry	Green Ash Honey Locust
Wilderness	Honeysuckle (Amur) Sumac	Austrian Pine Red Cedar	Green Ash Bur Oak Honey Locust